

**BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA**

**In the Matter of:**

**OAH No. L 2008090467**

**ANTHONY L.,**

**Claimant,**

**vs.**

**HARBOR REGIONAL CENTER,**

**Service Agency.**

**DECISION**

This matter was heard by Julie Cabos-Owen, Administrative Law Judge with the Office of Administrative Hearings, on March 11, 2009, in Torrance, California. Anthony L. (Claimant) was represented by his mother, Inette H.<sup>1</sup> Claimant's father, John H. was also present. Harbor Regional Center (Service Agency or HRC) was represented by its Manager of Rights Assurance, Gigi Thompson.

Oral and documentary evidence was received, and argument was heard. The record was closed, and the matter was submitted for decision on March 11, 2009.

**ISSUE**

The sole issue to be decided is as follows:

Should HRC be required to continue funding (via monthly reimbursement) parent transportation to Claimant's day program?

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<sup>1</sup> Claimant's and his parents' surnames are omitted throughout this Decision to protect their privacy.

## FACTUAL FINDINGS

1. Claimant is an adult male client of the Service Agency, diagnosed with Moderate Mental Retardation. He lives with his parents. (Claimant's Exhibit 5.)

2. At the end of 2007, Claimant moved to the Service Agency's catchment area. He had previously been a client of Inland Regional Center and had received funding for parent-provided transportation after he was allegedly sexually assaulted by a staff member transporting him to his work activity program. Thereafter, Claimant's mother had trouble trusting new people in her son's life. (Service Agency Exhibit 8.)

3. On December 20, 2007, HRC agreed to fund three months of parent transportation, with Claimant's mother providing the transportation to Claimant's day program, InJoy. The decision to fund parent transportation was based on Claimant's mother's concerns about his safety and his having to adjust to so many new changes in his life, including moving to a new home and a new day program. (Service Agency Exhibit 8.)

4. In March 2008, HRC agreed to extend Claimant's parent transportation for another six months. (Service Agency Exhibit 2.)

5. While attending the day program at InJoy, Claimant regularly ventures into the community with five peers and two "coaches." During these outings, they often ride in one of InJoy's vehicles (either a Toyota Sienna, a Ford Expedition or a Chrysler Mini Van). Once a month they also ride the local community bus. InJoy's program director has observed that Claimant seems to enjoy his community outings and does not appear to be stressed by riding in InJoy's vehicles or on the local bus. (Testimony of Mary Grace Cachuela.)

6. Although HRC has funded parent transportation in the past, its policy has changed in the past several years to ensure the maximum independence, as well as the health and safety, of its clients. HRC prefers to utilize services that are most inclusive and provide the least restrictive environment. HRC believes it can best encourage independence by providing vendored transportation. (Testimonies of Colleen Mock and Vincente Miles.)

7. Pride is an HRC-vendored transportation service that provides door-to-door transportation for clients to and from their day programs. (Service Agency Exhibit 2.)

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8. On August 28, 2008, HRC Counselor, Cassie Forrest, sent Claimant's mother a letter, stating:

It was nice to talk to you last week regarding Anthony's transportation to his day program, InJoy. I am glad that both you and Anthony feel that he is thriving at this program. We discussed that you transport Anthony to and from his day program and are reimbursed by [HRC] on a monthly basis. In consultation with other HRC staff members in March 2008, it was decided that, after a 6 month period of getting more comfortable with the day program and the recent changes that had occurred in Anthony's life, Anthony could then be safely transported by Pride Industries to and from his day program. Pride Industries is an HRC vendored transportation service that provides door to door transportation to a large number of our clients on a daily basis. Accordingly, HRC will cease funding for parent transportation effective 09.30.2008.

(Service Agency Exhibit 2.)

9. On September 4, 2008, Claimant's mother filed a Request for Fair Hearing, seeking continued HRC funding of parent transportation. (Service Agency Exhibit 1.)

10. At the fair hearing, Claimant's parents testified credibly that they were still concerned about his comfort and safety if he were to be transported to and from his day program by Pride. Claimant's mother believed that Claimant is still afraid to ride the bus. She is willing to continue transporting Claimant to and from his day program. Claimant's parents insisted that this is "not about the money," and that they "did not care about" the reimbursement for the transportation they provide. (Testimonies of Inette H. and John H.)

11. HRC would like to provide Claimant with the opportunity to achieve further independence by using the vendored transportation. However, HRC has no policy prohibiting parent transportation, without reimbursement. (Testimonies of Colleen Mock and Vincente Miles.)

12. Claimant's parents have rejected the alternatives of either personally accompanying Claimant on the Pride bus, or having an HRC-funded aide accompany Claimant on the Pride bus, to observe his reactions and to ensure his safety awareness.

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## LEGAL CONCLUSIONS

1. Cause exists to deny Claimant's appeal of the Service Agency's denial of continued funding for parent transportation to and from his day program. (Factual Findings 1 through 12.)

2. A service agency is required to secure services and supports that: meet the individual needs and preferences of consumers (Welf. & Inst. Code, §§ 4501 and 4646, subd. (a).); support their integration into the mainstream life of the community (Welf. & Inst. Code, §§ 4501 and 4646, subd. (a).); "foster the developmental potential of the person" (Welf. & Inst. Code, § 4502, subd. (a).); and "maximize opportunities and choices for living, working, learning and recreating in the community" (Welf. & Inst. Code, § 4640.7, subd. (a).).

3. A service agency "shall give highest preference to those services and supports . . . that allow all consumers to interact with persons without disabilities in positive, meaningful ways." (Welf. & Inst. Code, § 4648, subd. (a)(1).)

4. HRC is willing to fund vendored transportation to and from Claimant's day program. The Service Agency believes this mode of transportation will provide Claimant with the opportunity to achieve further independence. While HRC has recommended Pride, Claimant's family need not accept that recommendation. Nevertheless, HRC is not required to continue funding the parent transportation if it is no longer necessary to address Claimant's needs. (See Welf. & Inst. Code, §§ 4646.5 and 4648.)

5. In this case, the Service Agency agreed to fund parent transportation for a short period of time in order to help Claimant adjust to the many new changes in his life, including moving to a new home and a new day program. It appears that Claimant has adjusted well to his new day program and that he is able to ride in the InJoy multiple passenger vehicles and on the community bus without observable stress. Although Claimant's parents are still leery about Pride and believe he is still afraid to ride on a bus, these claims were insufficient to require the Service Agency's continued funding of parent transportation.

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## **ORDER**

Harbor Regional Center's denial of continued funding for parent transportation is upheld. Claimant's appeal is denied.

## **NOTICE**

**This is the final administrative decision in this matter. Each party is bound by this decision. Any appeal from the decision must be made to a court of competent jurisdiction within 90 days of receipt of the decision. (Welf. & Inst. Code, § 4712.5, subd. (a).)**

DATED: March 13, 2009

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JULIE CABOS-OWEN  
Administrative Law Judge  
Office of Administrative Hearings